

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

-against-

ORDER ADOPTING REPORT &
RECOMMENDATION

06-CV-1961 (JS) (MLO)

CHARLES KUBELKA and JAN KUBELKA,

Defendants.
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Appearances:

For Plaintiff: Bartholomew Cirenza, Esq.
U.S. Department of Justice
Tax Division
P.O. Box 55, Ben Franklin Station
Washington, DC 20044-0055

For Defendants: No Appearance

SEYBERT, District Judge:

Upon review of the Report and Recommendation ("Report") of Magistrate Judge Michael L. Orenstein issued May 29, 2007, to which no party has objected, the Court hereby ADOPTS the Report in its entirety and orders the entry of a default judgment against Defendant Charles Kubelka in the amount of \$3,128,085.23. In addition, pursuant to the Report, the request for a default judgment against Defendant Jan Kubelka is TERMINATED.

Pursuant to Rule 72 of the Federal Rules of Civil Procedure any objections to the Report were to be filed with the Clerk of the Court within ten days of service of the Report. An affidavit of service has been filed, indicating that Plaintiff served Defendants with a copy of the Report via mail on June 18,

2007. The time for filing objections has expired and no party has objected. Accordingly, all objections are hereby deemed to have been waived. Furthermore, in accordance with the Report, on July 24, 2007, Plaintiff filed a notice of discontinuance, with prejudice, against Defendant Jan Kubelka.

The Court ADOPTS the Report in its entirety and (1) ORDERS the entry of a default judgment against Defendant Charles Kubelka in the amount of \$3,128,085.23, (2) TERMINATES the request for a default judgment against Defendant Jan Kubelka, and (3) DISMISSES the action with prejudice as to Defendant Jan Kubelka. The Clerk of the Court is directed to mark this matter closed.

Plaintiff is directed to serve a copy of this Order on Defendants and file proof of service with the Court.

SO ORDERED.

/s/ **JOANNA SEYBERT**
Joanna Seybert, U.S./D.J.

Dated: Central Islip, New York
July 25, 2007